1655



Atty Dkt No. 5100-0707 USSN: 09/766,273

PATENT

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12/26/01 Susan La Mont Date Signature **TECH CENTER 1600/2900**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BITTNER et al.

Serial No.: 09/766,273

Art Unit: 1655

Filing Date: January 18, 2001

Examiner: Forman, Betty J.

Title:

OLIGONUCLEOTIDE-TAGGED SEMICONDUCTOR

NANOCRYSTALS FOR MICROARRAY AND FLUORESCENCE

IN SITU HYBRIDIZATION

AMENDMENT TRANSMITTAL LETTER

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Transmitted herewith for filing is a Response to Restriction Requirement in the above patent application in response to the Office Action of November 27, 2001.

___ No additional fee is required.

X Also enclosed: Sequence Listing (paper and disk); Statement Regarding Sequence Listing; postcard

No. of Claims Afte Amendment	r		Most Claims Previously Paid		Extra Claims			Ac	lditional Fee
A. Total Claims		-		=		х	\$18	=	\$
B. Ind. Claims		-		=		х	\$84	=	



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C. If amended to contain multiple dependent claims, add 280	\$280	=	\$
D. Total Amendment Fee (Total of A, B & C)		11	
E. If small entity, 50% reduction of Total Amendment Fee (50% of D)		-	
F. Total Amendment Fee (D minus E)			\$

- A check for \$ to cover the extension of time fee and extra claims fee is attached.
- ___ Charge \$ to Deposit Account No. 18-1648.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: <u>Jec 24/2001</u>

Narinder S. Banait

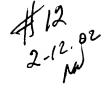
Registration No. 43,482 Attorney for Applicants

ROBINS & PASTERNAK LLP 90 Middlefield Road, Suite 200 Menlo Park, CA 94025

Telephone: 650-325-7812 Facsimile: 650-325-7823



Atty Dkt No. 5100-0707 Client No. 0008-US PATENT



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FEB 0'4 2002

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BITTNER et al.

Serial No.: 09/766,273

Group Art Unit: 1655

Filing Date: January 18, 2001

Examiner: Forman, Betty J

Title:

OLIGONUCLEOTIDE-TAGGED SEMICONDUCTOR

NANOCRYSTALS FOR MICROARRAY AND FLUORESCENCE IN

SITU HYBRIDIZATION

RESPONSE TO REQUIREMENT FOR RESTRICTION

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

This is in response to the Restriction Requirement dated November 27, 2001. The Examiner therein required election of one of the following groups of claims:

Group I, claims 1-38 and 44, drawn to a method of assaying a sample (classified in class 435, subclass 6); and

Group II, claims 39-43, drawn to a polynucleotide assay complex and kit (classified in class 536, subclass 24.3 and class 422, subclass 61).

Applicants hereby elect to prosecute the claims of Group I, claims 1-38 and 44, without traverse.

Atty Dkt No. 5100-0707 USSN: 09/766,273

PATENT

Applicants expressly reserve their right under 35 U.S.C. §121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application.

REQUIREMENT TO COMPLY WITH NUCLEIC ACID SEQUENCE RULES

The Examiner requested that the applicant provide a computer readable form, and a paper copy of the "Sequence Listing", as well as a statement that the paper and computer readable copies are the same. The applicants have complied with the sequence rules in their response to "Missing Parts" mailed on May 29, 2001. For the convenience of the office, the applicants herein provide a copy of the computer readable form and a written copy of the sequence listing and the Statement Regarding Sequence Listings as filed.

Please address all further communications to Roberta L. Robins at Customer No. 20855.

Respectfully submitted,

By: <u>Named</u> Band L.

Date: Dec 2//2001

Narinder S. Banait Registration No. 43,482 Attorney for Applicants

ROBINS & PASTERNAK 90 Middlefield Road, Suite 200 Menlo Park, CA 94025 Telephone: (650) 325-7812

Fax: (650) 325-7823



SEQUENCE LISTING

<110> Quantum Dot Corporation

The Government of the United States of America, as represented by the Secretary, Department of Health and Human Services Bittner, Michael Wong, Edith Y.
Bruchez, Marcel P. Jr.

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FEB 0 4 2002

<120> OLIGONUCLEOTIDE-TAGGED SEMICONDUCTOR NANOCRYSTALS FOR MICROARRAY AND FLUORESCENCE IN SITU HYBRIDIZATION

TECH CENTER 1600/2900

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<140> US 09/766,273

<141> 2001-01-18

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(O)	PEV	
MAL	2 .3 2002	1 337
N/B.	PADEMAR	5Y_

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

Pated: 5/24/0

__Name of Person Certifying:

Printed Name: David W. Maher

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael BITTNER, et al. Assignees: Quantum Dot Corporation and THE

GOVERNMENT OF THE UNITED STATES OF

AMERICA, as represented by the Secretary,

Department of Health and Human Services

Filing Date: January 18, 2001

Examiner: Not Yet Assigned

Serial No.: 09/766,273

Group Art Unit: 1645

Title: OLIGONUCLEOTIDE-TAGGED SEMICONDUCTOR NANOCRYSTALS FOR

MICROARRAY AND FLUORESCENCE IN SITU HYBRIDIZATION

STATEMENT REGARDING SEQUENCE LISTING UNDER 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

The Applicants hereby declare that the content of the computer-readable copy of the Sequence Listing furnished herewith is the same as the written copy of the Sequence Listing.

Date: May 29, 2001

Respectfully submitted,

David W. Maher

Registration No. 40,077

McCutchen, Doyle, Brown & Enersen, LLP Three Embarcadero Center San Francisco, California 94111 Telephone: (650) 849-4908

Telefax: (650) 849-4800